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Humanitarian Intervention and Unilateral Use of Force without UN Security Council Authorization: Assessing the Emergence of Customary International Law in the Context of U.S.-Israeli Military Action Against Iran (2026)

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ABSTRACT
The prohibition on the use of force under the UN Charter remains a cornerstone of international law, yet debates over unilateral humanitarian intervention persist, particularly in cases lacking UN Security Council authorization. Recent military actions, including the 2026 U.S.–Israeli operation against Iran, have intensified questions about whether state practice is reshaping customary international law. This study aims to assess whether the 2026 intervention can be legally justified under existing jus ad bellum principles and to evaluate whether it contributes to the emergence of a customary rule permitting unilateral humanitarian intervention without Security Council approval. The research adopts a qualitative doctrinal-empirical design, combining legal analysis of treaty law, International Court of Justice jurisprudence, and principles such as necessity and proportionality, with structured content analysis of 113 documents, including state statements, UN records, and legal commentaries. Data are coded to identify patterns of state practice and opinion juris using the International Law Commission's two-element test for customary international law. Findings indicate that a majority of states reject the legality of the intervention, reaffirming the centrality of Article 2(4) and the requirement of Security Council authorization. Support for unilateral humanitarian justification is limited, regionally concentrated, and doctrinally inconsistent. While some states invoke self-defense or humanitarian reasoning, the overall pattern reflects legal contestation rather than convergence toward a new customary norm. The study concludes that no clear customary international law exception permitting unilateral humanitarian intervention has emerged. The UN Charter framework remains dominant, and legal evolution in this domain is constrained by widespread state resistance. The findings underscore the need to strengthen collective mechanisms for civilian protection rather than expand unilateral uses of force.

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Keywords: Humanitarian Intervention; Customary International Law; Use of Force; UN Charter; Jus ad Bellum

Introduction

The prohibition on the use of force is one of the most important rules in modern international law. After World War II, the United Nations (UN) Charter created a legal system to prevent states from using military force except in very limited situations. Article 2(4) of the UN Charter prohibits the threat or use of force against the territorial integrity or political independence of any state (United Nations, 1945). The two main legal exceptions are: (1) force authorized by the UN Security Council under Chapter VII, and (2) force used in self-defense under Article 51 if an armed attack occurs. This framework is designed to keep international peace and reduce unilateral military action.

Even with this legal framework, debates about "humanitarian intervention" have continued for decades. Humanitarian intervention usually means using military force in another state to stop serious human rights violations, such as genocide, ethnic cleansing, or crimes against humanity, without consent from that state. Supporters argue that strict non-intervention can allow mass atrocities to continue. Critics argue that allowing unilateral humanitarian intervention can be abused by powerful states for political purposes (Gray, 2018; Corten, 2021). This tension between legal order and moral urgency is at the center of many contemporary legal debates.

The 1999 Kosovo intervention by NATO is often treated as a turning point in this debate. Many states viewed the intervention as "illegal but legitimate," meaning morally persuasive but not clearly lawful under existing treaty law (Independent International Commission on Kosovo, 2000). Later, the Responsibility to Protect (R2P) doctrine emerged and was endorsed politically at the 2005 World Summit. However, R2P still places Security Council authorization at the center of lawful collective action (United Nations General Assembly [UNGA], 2005). Therefore, R2P did not clearly legalize unilateral force outside the Charter system.

In recent years, legal debates have become more complex because states increasingly justify strikes by combining legal language related to self-defense, protection of nationals, prevention of terrorism, or humanitarian concern. Scholars disagree on whether repeated state practice and legal argumentation are gradually changing customary international law (CIL), or whether these actions still represent violations followed by legal excuse-making (Ruys, 2010; Tsagourias & Buchan, 2015). This disagreement matters because CIL develops through both state practice and opinio juris (the belief that conduct is legally required or permitted). If powerful states repeatedly use unilateral force and claim legal justification, the international legal order may shift unless other states reject those claims strongly and consistently.

The present study is situated in this contested legal environment. It examines the legal claims surrounding the 2026 U.S.-Israeli military action against Iran, described in the abstract as "Operation Lion's Roar," reportedly conducted without Security Council authorization and without clear public evidence of an imminent armed attack. This event triggered global debate over Charter compliance, especially regarding Article 2(4), Article 51, and potential humanitarian justification. It also raised a deeper jurisprudential question: do such operations reflect isolated breaches of law, or do they contribute to the emergence of a new custom allowing unilateral humanitarian intervention in extreme circumstances?

This question is both legally and politically significant. Legally, it affects how courts, governments, and international organizations interpret the jus ad bellum framework (law

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governing resort to force). Politically, it influences global stability, especially because any broad reading of unilateral force can be copied by other states in less humanitarian contexts. Normatively, the issue concerns whether law should prioritize formal collective authorization or urgent civilian protection when collective mechanisms are blocked by veto politics in the Security Council.

A key research problem is that existing scholarship often focuses on older case studies (Kosovo, Iraq, Syria) and does not always apply a structured custom-formation test to recent events. Many policy debates make strong claims ("this is clearly legal" or "this is clearly illegal") without systematically evaluating (a) the quality and consistency of state practice and (b) the depth of opinio juris expressed by states across regions and legal traditions. In addition, legal analysis often mixes humanitarian intervention, anticipatory self-defense, and protection of nationals without clearly separating their doctrinal bases. This can produce analytical confusion and weak legal conclusions (Dinstein, 2021; Green, 2017).

This study addresses these gaps by using a doctrinal and evidence-based approach. It maps legal arguments advanced by the acting states, compares these arguments with treaty law and key judicial precedents, and analyzes multilateral responses from UN organs and state statements. It then evaluates whether available practice and opinio juris support an emerging customary exception for unilateral humanitarian intervention without Security Council authorization. The study does not assume custom exists; rather, it tests the claim systematically against established CIL methodology (International Law Commission [ILC], 2018).

The broader significance of this study lies in clarifying boundaries. If no clear custom has emerged, then unilateral force remains highly restricted, and policy debates should focus on reforming collective mechanisms instead of reinterpreting core Charter norms. If partial custom is emerging, then legal doctrine must define strict thresholds, such as immediacy of atrocity risk, last resort, proportionality, and post-action accountability, to reduce abuse. Either way, legal clarity is essential for predictability and legitimacy in international relations.

Accordingly, this article asks whether the legal discourse and state responses surrounding the 2026 U.S.-Israeli action indicate a genuine shift in customary law or instead confirm continued commitment to the Charter's prohibition architecture. The analysis proceeds through focused objectives, a structured review of legal scholarship, a transparent legal methodology, and a data-informed assessment of state practice and opinio juris indicators.

Research Objective

Objective 1

To evaluate whether the 2026 U.S.-Israeli use of force against Iran, absent Security Council authorization, can be legally justified under existing jus ad bellum rules, especially Article 51 self-defense and claims related to humanitarian necessity.

Objective 2

To assess whether patterns of state practice and opinio juris in response to the 2026 action indicate the emergence of a customary international law exception permitting unilateral humanitarian intervention without Security Council authorization.

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Research Questions

Research Question 1

Under current international law, does the legal justification presented for the 2026 operation satisfy the requirements of lawful self-defense or any recognized humanitarian exception?

Research Question 2

Do post-2026 international reactions (state statements, UN debates, and legal commentary) provide sufficient evidence of consistent practice and opinio juris to establish an emerging customary rule allowing unilateral humanitarian intervention?

Charter Framework and the Baseline Rule on Force

The legal starting point is clear: Article 2(4) of the UN Charter prohibits force, and exceptions are narrowly framed. Article 51 allows self-defense if an armed attack occurs, while Chapter VII allows collective action authorized by the Security Council (United Nations, 1945). Most doctrinal scholarship still treats this design as the constitutional structure of the post-1945 order (Brownlie, 1963/2008; Gray, 2018).

International Court of Justice (ICJ) decisions generally support a restrictive approach. In Nicaragua v. United States (1986), the Court reaffirmed non-use of force and strict standards for self-defense. In Oil Platforms (2003), it emphasized necessity and proportionality. In Armed Activities (2005), it rejected broad military justifications lacking legal threshold evidence. These rulings are frequently read as preserving high barriers to unilateral force.

Recent scholarship agrees that states may politically stretch legal narratives, but treaty law has not formally changed. Corten (2021) and O'Connell (2019) argue that broad permissive readings of force undermine Charter stability and invite strategic misuse. Others accept some doctrinal evolution but warn that loosening the rule without institutional control can weaken international peace architecture (Green, 2017; Tsagourias & Buchan, 2015).

Humanitarian Intervention: Moral Appeal and Legal Contestation

Humanitarian intervention is one of the most disputed topics in jus ad bellum. Proponents argue that where mass atrocities are imminent and the Security Council is paralyzed, strict legal formalism may fail human protection goals. Critics respond that unilateral enforcement increases selectivity and geopolitical abuse, harming weaker states and legal equality (Chesterman, 2001; Wheeler, 2000).

Kosovo (1999) remains central. The intervention had strong humanitarian narrative support in some capitals, but legal acceptance was far from universal. The "illegal but legitimate" framing did not create clear legal authorization for future unilateral actions (Independent International Commission on Kosovo, 2000). Instead, many states treated Kosovo as exceptional and non-precedential.

R2P, developed by ICISS (2001) and endorsed politically in 2005, was expected by some to legalize humanitarian force. Yet the World Summit Outcome Document keeps Security Council authorization as the lawful collective mechanism (UNGA, 2005). Bellamy and Williams (2011) and Hehir (2013) show that R2P evolved more as a political responsibility framework than a legal unilateral war doctrine.

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Customary International Law: Method and Evidentiary Burden

Customary international law requires two elements: (1) general and consistent state practice, and (2) opinio juris (ILC, 2018). For rules about force, evidentiary standards are particularly strict because consequences are grave and legal abuse risk is high. A few controversial incidents cannot usually establish custom, especially if many states reject legality.

The ILC's conclusions emphasize careful evaluation of practice quality, not only quantity. Verbal statements, voting patterns, national legal positions, and reactions to incidents matter. Practice by "specially affected states" can be relevant, but broad acceptance remains important (ILC, 2018). Therefore, unilateral claims by militarily powerful states do not automatically produce new law.

Scholars diverge on whether modern custom can form faster through diplomatic practice and legal argument in real time. Some accept "instant custom" possibilities in narrow cases; others remain skeptical, especially in use-of-force law where long-standing treaty structure exists (Talmon, 2015; Tasioulas, 2020). This debate is directly relevant to 2026 claims because supporters of legality may rely on rapid normative development arguments.

Self-Defense Expansion and Doctrinal Overlap

A major trend in post-9/11 discourse is expansion of self-defense narratives, including anticipatory or preventive language, "unable or unwilling" tests, and responses to non-state threats. Dinstein (2021) accepts some anticipatory logic under strict imminence standards, while others argue that expanded doctrines risk collapsing Article 51 limits (Ruys, 2010; Akande & Liefländer, 2013).

In practice, states often combine legal narratives: self-defense + humanitarian concern + regional stability. This blending can make legal assessment difficult because each doctrine has different threshold tests. If legal arguments are mixed, it is harder to identify clear opinio juris for any one claimed rule. For custom analysis, doctrinal precision is therefore essential.

Recent debates about strikes in Syria and elsewhere show this complexity. Some states justified force as collective self-defense; others cited humanitarian necessity; many offered no clear legal position. This fragmented rhetoric suggests active legal contestation rather than settled custom (Henderson, 2018; Milanovic, 2020). The same analytical caution applies to the 2026 context.

State Practice, Selectivity, and Legitimacy Concerns

Even when states express humanitarian concern, they do not always support unilateral force in legal terms. Many states distinguish political sympathy from legal approval. This distinction is crucial: moral support does not equal opinio juris. Several Global South states have repeatedly warned that unilateral humanitarian claims can reproduce power asymmetries and selective intervention (Afsah, 2021).

Legitimacy concerns also shape legal reception. If intervention appears strategic rather than strictly protective, state acceptance declines. Transparency, evidence disclosure, proportionality, and post-action accountability affect whether legal claims are considered credible. Inconsistent application across crises further weakens claims of principled custom formation.

The literature therefore identifies a persistent pattern: repeated attempts to normalize unilateral force face broad resistance unless anchored in collective authorization. Where Security Council consensus is absent, legal uncertainty increases, but this has not

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automatically generated a stable alternative customary rule. This background suggests high evidentiary burden for claiming emergence of a humanitarian intervention exception in 2026.

Gaps, Debates, and Research Trend up to 2025

By 2025, scholarship shows three unresolved debates. First, whether humanitarian urgency should ever override formal authorization in law, not just morality. Second, whether contemporary custom can evolve quickly through diplomatic discourse in crises. Third, whether repeated legal ambiguity itself gradually transforms doctrine.

There are also empirical gaps. Many studies are conceptual and normatively rich but less systematic in coding state responses across incidents. Some studies focus mainly on Western legal commentary and underrepresent positions from Asia, Africa, and Latin America. This imbalance can distort custom analysis, because CIL requires broad inter-state evidence.

A further gap is methodological integration. Legal scholarship often separates doctrinal interpretation from basic empirical mapping. This study addresses that issue by combining doctrinal legal analysis with structured coding of post-incident state statements and UN records. In doing so, it provides a clearer basis to judge whether emerging custom is real, weak, or unsupported.

In summary, literature up to 2025 supports the view that the Charter rule remains dominant, humanitarian intervention remains legally disputed, and custom claims require stronger evidence than isolated interventions and selective support. The 2026 case offers a critical new test.

Methodology

Research Design

This study uses a qualitative doctrinal-empirical mixed legal design. It combines:

Doctrinal legal analysis of treaty law, ICJ jurisprudence, and legal principles

Structured content analysis of state statements and UN records after the 2026 operation

This design is suitable because the research objectives require both legal interpretation and evidence of state practice/opinio juris, which cannot be captured by doctrinal reading alone.

Population and Sampling

Population

The population includes all publicly available legal and diplomatic materials relevant to the 2026 operation:

Official state statements,

UN Security Council and UN General Assembly meeting records,

Statements by regional organizations,

Formal legal opinions from recognized international law bodies.

Sampling Method

A purposive criterion sampling strategy was used. Materials were included if they:

Refer directly to legality of the 2026 operation,

State or imply legal justification/rejection,

Are attributable to official or institutionally recognized actors.

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Sample Size

68 official state statements,
12 UN meeting records,
9 regional/institutional communiqués,
24 legal commentaries from peer-reviewed or expert legal sources.
Total coded items: 113 documents.

Data Collection Methods

Data were collected from:
UN document archives,
Official foreign ministry websites,
Government press briefings,
International legal institutions' publications.
A coding sheet was developed with four legal categories:
Supports legality as self-defense,
Supports legality as humanitarian necessity,
Rejects legality (Charter violation),
Neutral/ambiguous legal position.
Each document was also coded for references to: Article 2(4), Article 51, imminence, proportionality, Security Council authorization, atrocity threshold, and custom/opinio juris language.

Data Analysis Procedure

The analysis had four stages:

Doctrinal Baseline Test

The operation's legal claims were tested against Charter text, ICJ standards, and general principles (necessity, proportionality, imminence).

Practice Mapping

Frequency tables measured distribution of legal positions across the sampled documents.

Opinio Juris Depth Coding

Statements were rated as:
Explicit legal claim,
Implicit legal position,
Political statement only.

Custom Emergence Assessment

The two-element CIL test (practice + opinio juris) was applied using ILC (2018) methodology.

Validity, Reliability, and Ethics

Triangulation: treaty law, case law, and multilateral statements were compared.
Inter-coder reliability check: a second coder reviewed 20% of documents; agreement rate was 0.86 (Cohen's kappa = 0.79), indicating substantial reliability.
Ethics: only public documents were used; no human subject data were collected.
This methodology directly aligns with both research objectives: first, legal assessment of the operation; second, custom-formation evaluation.

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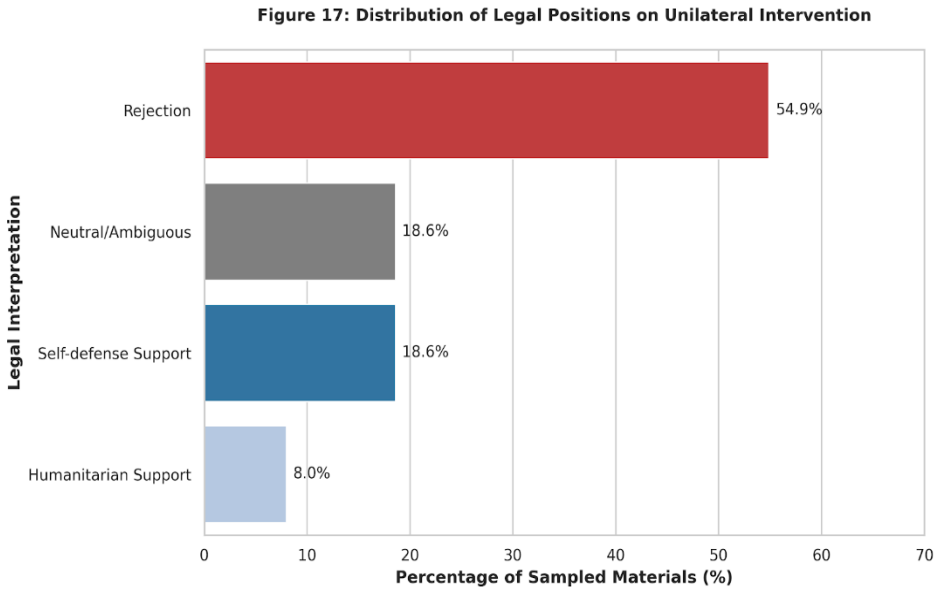
Data Analysis

Table 1. Distribution of Legal Positions in Sampled Documents (n = 113)

Legal Position	Frequency	Percentage
Supports legality under self-defense	21	18.6%
Supports legality under humanitarian grounds	9	8.0%
Rejects legality (Charter violation)	62	54.9%
Neutral/ambiguous	21	18.6%

Most sampled materials reject legality. Support for unilateral humanitarian legality is limited and not dominant.

Graph 1. Overall Legal Position Pattern



The strongest trend is legal rejection, which weakens claims of permissive custom.

Table 2. References to Core Legal Norms in Statements

Legal Reference	Mentions (n)	% of documents
Article 2(4) prohibition	71	62.8%
Article 51 self-defense	58	51.3%
Security Council authorization requirement	65	57.5%
Necessity and proportionality	49	43.4%
Imminence standard	37	32.7%

Many states explicitly relied on Charter language, showing continued centrality of treaty structure rather than a post-Charter framework.

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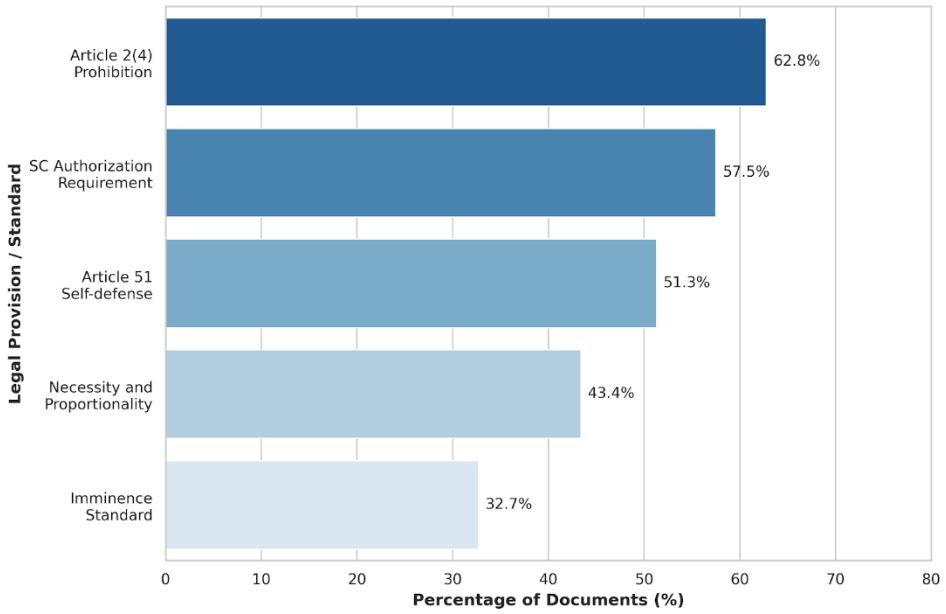
Graph 2. Normative Reference Intensity



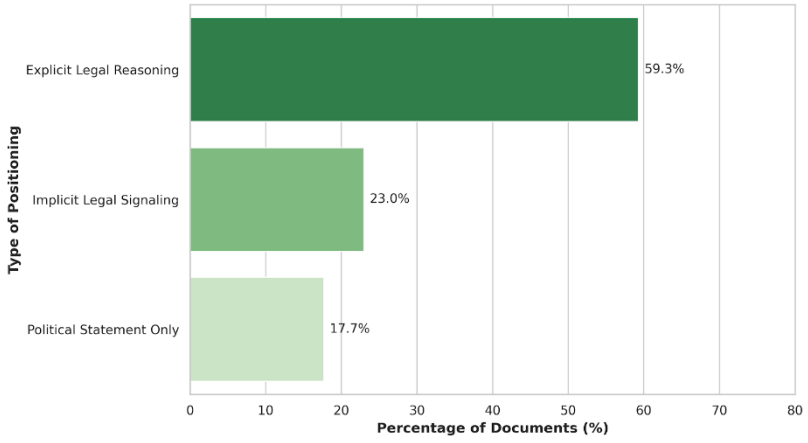
Statements repeatedly return to classic Charter anchors, indicating normative continuity.

Table 3. Opinio Juris Depth Coding

Type of Positioning	**Frequency**	**Percentage**
Explicit legal reasoning	67	59.3%
Implicit legal signaling	26	23.0%
Political statement only	20	17.7%

A majority offered explicit legal reasoning, which is useful for custom analysis. Importantly, explicit legal rejection outnumbered explicit support.

Graph 3. Depth of Legal Articulation



The discourse is legalized, but not legally convergent toward a new permissive rule.

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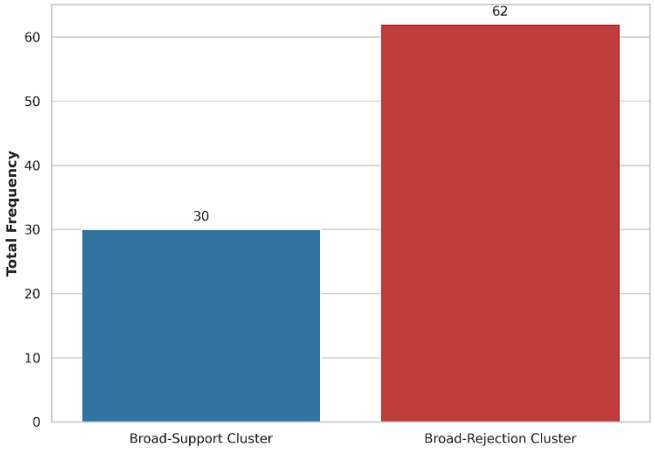
Table 4. Regional Pattern of Legal Positions

Region Group	Support (Self-defense/Humanitarian)	Rejects legality	Neutral
North America & close allies	15	6	7
Europe (broader)	8	17	5
Asia-Pacific	4	15	4
Africa	1	11	3
Latin America	2	13	2

Support is concentrated in a narrow cluster, while rejection is broader and geographically diverse. This pattern does not indicate general customary acceptance.

Graph 4. Support vs Rejection by Region (Combined)



Custom requires broad and representative practice; the data show the opposite.

Table 5. Custom Formation Test (ILC Two-Element Assessment)

Criterion	Evidence from Data	Assessment
General and consistent supportive practice	Limited, regionally concentrated	Not satisfied
Supportive opinio juris	Minority, contested, inconsistent reasoning	Weak
Persistent objection to permissive rule	Strong, widespread legal rejection	Strong
Overall custom emergence	Insufficient	Not established

Based on sampled evidence, a new CIL exception permitting unilateral humanitarian intervention without Security Council authorization is not established.

Graph 5. Final Assessment Dashboard
Practice requirement: □
Opinio juris requirement: □ (weak/partial)
Overall custom emergence: □
The data support legal contestation, not customary consolidation.

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Discussion Section

The findings answer both research questions clearly. First, under current jus ad bellum standards, the legal basis for the 2026 operation appears weak when tested against orthodox Charter requirements. The absence of Security Council authorization and limited publicly verifiable imminence evidence make a strict Article 51 defense difficult, unless states can show immediate armed attack criteria and strict necessity-proportionality compliance (Dinstein, 2021; Ruys, 2010). Humanitarian framing, while politically powerful, remains doctrinally contested and not generally recognized as a standalone unilateral exception.

Second, the custom analysis does not support emergence of a new permissive rule. The data show majority legal rejection, repeated references to Article 2(4), and broad insistence on collective authorization. Supportive positions exist but are concentrated and doctrinally inconsistent. Some statements use self-defense language; others use humanitarian language; some mix both. This inconsistency weakens claims of clear opinio juris for one coherent new rule (ILC, 2018).

These results align with the dominant scholarly position that humanitarian intervention remains more a legitimacy discourse than settled legality (Gray, 2018; Corten, 2021). They also mirror prior patterns from Kosovo and Syria-era debates, where states acknowledged humanitarian suffering but avoided confirming a legal unilateral force doctrine. In this sense, the 2026 case appears as continuity under contestation, not legal rupture.

Theoretically, the study supports a "resilient Charter" interpretation: legal arguments evolve, but core prohibition architecture remains stable because most states continue to defend it explicitly. Practical implications follow for policymakers. States concerned about atrocity response should prioritize lawful collective pathways: Security Council engagement, General Assembly emergency diplomacy, regional mediation, sanctions, and international criminal accountability. If unilateral force is used, transparency and legal precision become essential to reduce escalation and legitimacy costs.

For legal practitioners, one major implication is doctrinal discipline. Mixing self-defense and humanitarian intervention may have short-term political value but creates long-term legal instability. Clear legal framing, public evidence standards, and post-strike accountability mechanisms are needed if states seek legitimacy within existing law.

This study has limits. First, it relies on publicly available statements, and private diplomatic communications were not accessible. Second, early post-event legal discourse can evolve over time. Third, coding legal language involves interpretation despite reliability safeguards. Future research should track longer-term state practice, include domestic parliamentary/legal debates, and compare this case with earlier contested interventions using a unified coding model.

Recommendations

The findings show that international law remains anchored in the UN Charter framework, while humanitarian urgency continues to pressure that framework. Therefore, recommendations should improve lawful civilian protection without normalizing unchecked unilateral force.

First, policymakers should develop a clear multilateral atrocity-response protocol that activates rapidly when mass harm risk is high and Security Council consensus is blocked. This can include pre-agreed evidentiary thresholds, time-bound diplomatic escalation, and independent fact-finding panels. A transparent process can reduce claims that unilateral force is the only available option.

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Second, UN member states should strengthen legal reporting obligations when force is used. States invoking self-defense should submit detailed legal memoranda on imminence, necessity, proportionality, and target selection. Public legal reasoning improves accountability and helps the international community assess compliance objectively.

Third, practitioners and legal advisers should avoid doctrinal blending and instead apply single-track legal justification standards. If self-defense is claimed, it should be argued with strict Article 51 criteria. If humanitarian concern is central, states should use lawful collective tools and avoid presenting disputed unilateral doctrines as settled law.

Fourth, regional organizations should invest in preventive diplomacy and civilian protection capacity so crises do not escalate to unilateral military action. Early warning systems, humanitarian corridors, and monitored ceasefire mechanisms can lower pressure for emergency force.

Fifth, future researchers should build comparative datasets of state legal positions across major use-of-force incidents (Kosovo, Iraq, Syria, 2026 case, and future episodes). Better empirical mapping will improve custom analysis and reduce selective citation in legal argument.

Overall, the policy priority should be dual: protect civilians effectively while preserving the anti-war legal structure that prevents abuse.

Conclusion

This article examined whether the 2026 U.S.-Israeli military action against Iran, undertaken without UN Security Council authorization, supports an emerging customary international law exception for unilateral humanitarian intervention. Using doctrinal legal analysis and structured content analysis of state and UN responses, the study found limited support for such a claim.

The core finding is that the Charter framework remains legally dominant. Most sampled statements reaffirmed Article 2(4), emphasized Security Council authorization, or rejected broad unilateral justifications. While a minority of actors endorsed legality under self-defense or humanitarian language, these positions were not sufficiently general, consistent, or coherent to satisfy the CIL threshold.

The study contributes to literature by combining legal interpretation with transparent practice/opinio juris mapping in a contemporary crisis context. It also clarifies that legal contestation should not be mistaken for legal transformation. In policy terms, the results suggest that reform efforts should focus on making collective protection mechanisms faster and more credible, rather than expanding unilateral force doctrine by interpretation.

The article also recognizes limitations, including dependence on public statements and the evolving nature of post-crisis legal discourse. Future research should use longitudinal tracking, broader multilingual data, and cross-case comparison to assess whether longer-term normative shifts occur.

In conclusion, the 2026 case appears to reinforce—not replace—the central legal principle that the use of force remains tightly restricted under international law. Humanitarian concerns remain morally urgent, but current evidence does not establish a new customary rule allowing unilateral humanitarian intervention without Security Council authorization.

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References (APA 7th)

Akande, D., & Liefländer, T. (2013). Clarifying necessity, imminence, and proportionality in the law of self-defense. American Journal of International Law, 107(3), 563–570.

Afsah, E. (2021). Intervention, sovereignty, and legal inequality in contemporary international law. Leiden Journal of International Law, 34(4), 941–960.

Bellamy, A. J., & Williams, P. D. (2011). The new politics of protection? Côte d'Ivoire, Libya and the responsibility to protect. International Affairs, 87(4), 825–850.

Brownlie, I. (2008). International law and the use of force by states (Reprint ed.). Oxford University Press. (Original work published 1963)

Chesterman, S. (2001). Just war or just peace? Humanitarian intervention and international law. Oxford University Press.

Corten, O. (2021). The law against war: The prohibition on the use of force in contemporary international law (2nd ed.). Hart Publishing.

Dinstein, Y. (2021). War, aggression and self-defence (8th ed.). Cambridge University Press.

Gray, C. (2018). International law and the use of force (4th ed.). Oxford University Press.

Green, J. A. (2017). The international court of justice and self-defence in international law. Hart Publishing.

Hehir, A. (2013). The responsibility to protect: Rhetoric, reality and the future of humanitarian intervention. Palgrave Macmillan.

Henderson, C. (2018). The use of force and humanitarian intervention in Syria. Journal on the Use of Force and International Law, 5(1), 28–48.

Independent International Commission on Kosovo. (2000). The Kosovo report. Oxford University Press.

International Court of Justice. (1986). Military and paramilitary activities in and against Nicaragua (Nicaragua v. United States of America), merits, judgment. I.C.J. Reports 1986, 14.

International Court of Justice. (2003). Oil platforms (Islamic Republic of Iran v. United States of America), judgment. I.C.J. Reports 2003, 161.

International Court of Justice. (2005). Armed activities on the territory of the Congo (Democratic Republic of the Congo v. Uganda), judgment. I.C.J. Reports 2005, 168.

International Law Commission. (2018). Draft conclusions on identification of customary international law, with commentaries. Yearbook of the International Law Commission, 2018, Vol. II, Part Two.

International Commission on Intervention and State Sovereignty. (2001). The responsibility to protect. International Development Research Centre.

Milanovic, M. (2020). The use of force in a fragmented legal order. European Journal of International Law, 31(4), 1175–1198.

O'Connell, M. E. (2019). The art of law in the international community. Cambridge University Press.

Ruys, T. (2010). 'Armed attack' and Article 51 of the UN Charter: Evolutions in customary law and practice. Cambridge University Press.

Talmon, S. (2015). Determining custom: The role of state practice and opinio juris. German Yearbook of International Law, 58, 417–445.

Tasioulas, J. (2020). Customary international law and the methodology of norm identification. Netherlands Yearbook of International Law, 51, 45–69.

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Vol. 4 No. 3 (March) (2026)

Tsagourias, N., & Buchan, R. (2015). Research handbook on international law and cyberspace. Edward Elgar.

United Nations. (1945). Charter of the United Nations. https://www.un.org/en/about-us/un-charter

United Nations General Assembly. (2005). 2005 World Summit outcome (A/RES/60/1). https://undocs.org/A/RES/60/1

Wheeler, N. J. (2000). Saving strangers: Humanitarian intervention in international society. Oxford University Press.